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facsimile transmittal

To:	FCC Chairman Kennard	Fax:	[202] 418-2801
From:	Dr. Ken Bowles	Date:	01/12/00
Re:	NPRM 99-25, Low Power FM Broadcast Service	Pages:	Three
CC:	FCC Commissioners Ness, Tristani, Powell, and Furtchgott-Roth		
<div><div><div>X Urgent</div><div><input type="checkbox"/> For Review</div><div><input type="checkbox"/> Please Comment</div><div><input type="checkbox"/> Please Reply</div><div><input type="checkbox"/> Please Recycle</div></div></div>			

Several sources have indicated that the Commission is ready to vote on NPRM 99-25, Low Power FM (LPFM) Broadcast Service, on January 20, 2000. I very much appreciate the Commission's eagerness to create a LPFM service. Speculation is that the proposal in its approved form will take on the following structure:

Power/Antenna Height: Sources indicate antenna height will be limited to 30 meters and effective radiated power to 100 watts. I do not know the Commission's logic. (1) If the limitation is made to create more channels than would a 1,000 watt/60 meter limitation, let me bring to your attention that not all markets would experience a gain. For example, the St. Louis market would not experience a gain. There would only be four channels with the 1,000 watt/60 meter limitation. If the limitation is lowered to 100 watts/30 meters, only the same four channels would be available. Perhaps the new regulations could permit up to 1,000 watts/60 meters if the number of usable channels is not reduced. (2) Having followed the procedure closely, I am puzzled why technically the lower limitation must be imposed. Balanced comments and studies have

shown that existing broadcasters provided incorrect information (see my reply comments). I would remind the Commission that 460 full-power stations, most running more than 1,000 watts and with antenna heights higher than 60 meters, are currently operating on 2nd and 3rd adjacent channels nationwide without any interference complaints. (3) If the concern is blanketing interference, the Commission should understand that in real life 1,000 watt stations generally do not generate blanketing interference through the whole FM band and even on the closest channels it is not experienced until one gets perhaps within 50 feet of the tower. (4) A compromise between the 100 watt/30 meter option (1 mv/m contour at 3.5 miles) and the 1,000 watt/60 meter option (1 mv/m contour at 8.8 miles) is a 100 watt/60 meter option (1 mv/m contour at 5.1 miles). Really viable, effective LPFM stations need as much coverage area possible in order to raise the necessary finances.

Mutually Exclusive Applications: USA Today says: “The FCC would resolve competing applications for a frequency by assessing their local programming and other criteria.” If the Commission has in mind a procedure like that recently exercised in WQED Pittsburg, Cornerstone Television, and Paxton Pittsburg License (99-393), I believe you will find LPFM bogged down while constitutional and legislative issues are worked out. I believe an unweighted lottery method will be fairest and quickest. Consider also all the FCC resources that will have to be utilized in the “fight.”

Noncommercial: Reports are that the service will be exclusively noncommercial. I believe the Commission should make the new service exclusively noncommercial. Commercial stations and the resultant auctions would destroy the need to bring new owners into radio broadcasting.

Pirates: Again, from USA Today: “Many of the hundreds of unlicensed low-power broadcasters, or ‘pirates,’ would not be eligible for a license.” I believe that no pirates should receive licenses-- not just the ones the FCC has taken off the air but also the ones against which the FCC has not yet acted. Otherwise, there will be an unruly group of LPFM owners who will trash the new service.

Adjacent Channels: Speculation is that the Commission will retain 2nd adjacent channel interference protection while removing 3rd adjacent channel interference protection. I think the Commission would be wise in doing this. However, if it is found in the future that reducing 2nd adjacent channel interference protection will not degrade Digital Audio Broadcasting (DAB), a second phase of LPFM licensing should be authorized taking advantage of reduced 2nd adjacent protection. Another phase of LPFM licensing should be authorized when TV channel 6 is assigned to the FM band.

Renewal: I have not heard any reports concerning this topic. However, organizations that are my clients are very concerned about the NPRM's proposal to make 100 watt licenses non-renewable. These organizations expect to spend a lot of money constructing first class stations with significant programming and do not understand why they should have to do this while taking on the additional risk that the licenses would be non-renewable. LPFM licenses should be renewable.

Thank you for your attention. I am looking forward to the results of your next meeting.

A handwritten signature in black ink, appearing to read "Kenneth W. Bowles". The signature is fluid and cursive, with the first name "Kenneth" and last name "Bowles" clearly distinguishable.

Kenneth W. Bowles